

STATE OF NEW YORK
INDUSTRIAL BOARD OF APPEALS

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In the Matter of the Petition of:

JORDAN POLUCH AND OFF THE BONE BBQ,

Petitioners,

To Review Under Section 101 of the Labor Law:
An Order to Comply with the Labor Law, Order No. 19-
00267 dated July 2, 2019,

- against -

THE COMMISSIONER OF LABOR,

Respondent.
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DOCKET NO. PR 19-091

RESOLUTION OF DECISION

APPEARANCES

Jordan Poluch and Off the Bone BBQ, petitioners pro se.

WHEREAS:

1. The above proceeding was commenced by the filing of a petition for review pursuant to Labor Law § 101 and the Rules of Procedure and Practice (hereinafter “Board Rules”) (12 NYCRR) Part 66, on July 8, 2019, seeking to review an order issued by the respondent Commissioner of Labor against petitioners; and
2. The petition is deficient because it failed to comply with Board Rule § 66.3 (d); and
3. By letter dated July 18, 2019, the Board directed petitioners at the address provided by petitioners, to file an amended petition that conforms with Board Rules § 66.3 by August 17, 2019, or the petition may be dismissed without further notice; and
4. By letter dated August 27, 2019, the Board directed petitioners to request, within 10 days of the date of that letter, permission to file an untimely amended petition, setting forth the specific reason(s) for failing to timely file an amended petition as directed; and
5. Pursuant to Board Rules § 65.14, the “[f]ailure to file any pleading pursuant to these rules when due may . . . constitute a waiver of the right to further participation in the proceeding”; and
6. Petitioners have not filed an amended petition nor moved for permission to file an untimely amended petition; and

7. The petition, therefore must be dismissed for failing to comply with Board Rules § 66.3.

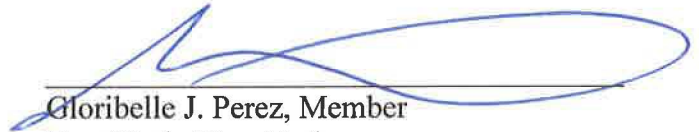
NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

The petition for review be, and the same hereby is, dismissed in accordance with the Board's Rules.

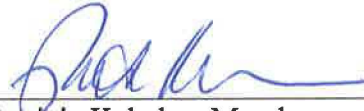


Molly Doherty, Chairperson
New York, New York

Michael A. Arcuri, Member
Utica, New York



Gloribelle J. Perez, Member
New York, New York



Patricia Kakalec, Member
New York, New York



Najah Farley, Member
New York, New York

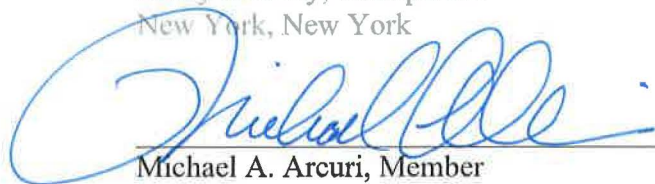
Dated and signed by the Members
of the Industrial Board of Appeals
on September 11, 2019.

7. The petition, therefore must be dismissed for failing to comply with Board Rules § 66.3.

NOW, THEREFORE, IT IS HEREBY RESOLVED THAT:

The petition for review be, and the same hereby is, dismissed in accordance with the Board's Rules.

Molly Doherty, Chairperson
New York, New York



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